

# BORG LAW LLP

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APPLICATION GRANTED

SO ORDERED 

VERNON S. BRODERICK

U.S.D.J. 6/1/2021

Defendants' answers are accepted and Plaintiff is no longer ordered to seek default judgment as I had previously ordered at Document 38. The Clerk's office is directed to terminate the open motion at Document 27.

Re: Butler v. The All American Bar et al., Case No. 1:21-cv 00164 (VSB)(SLC)

Dear Judge Broderick:

I write as attorney for defendants and at your request (ECF Doc No. 38) and with my deepest apologies to the Court, as to why defendants' answer should be accepted.

Please note that I was retained on April 6, 2021 and defendants' time to answer was not due as result of the agreement by counsel for the parties to stay the motion for default, which defendants have always maintained they have not been properly served in this matter.

I appeared in this matter after I left my former firm as partner at Robinson Brog. The firm mistakenly provided me with its administrative account to its Pacer Login. I was advised by Pacer that because of NexGen I had to create a new account due to the change of my employment. However, I was unaware that Robinson inappropriately provided its administrative account, which caused several issues including the inadvertent closing of Robinson's entire Pacer account in which notices or filings were not received. As a result, I was also not receiving all notices and filings in this matter in which I did notify counsel for the plaintiff, David Harrison when I entered my appearance of this Pacer issue and if he could send me all relevant documents at that time, which he consented. Unfortunately, I did not timely receive Your Honor's Memo Endorsement. However upon receipt, I immediately filed Defendants' Answer with Affirmative Defenses (confirmation attached hereto). Please also note that all issues relating to Pacer have been resolved.

I offer my sincerest apologies for any inconvenience and greatly appreciate the Court's understanding in this matter.

Respectfully submitted,

/s/ Michael A. Leon

Michael A. Leon, Esq.